REMARKS

Applicants have carefully studied the outstanding Official Action. The present response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

The application as examined included claims 1-2, 5-20 and 187-194. Claims 3-4 and 21-186 were previously cancelled. In the present response, claims 1-2, 5-20, 187-191 and 193-194 have been cancelled without prejudice. Claim 192 is unchanged.

Claims 1-2, 5-20 and 191 stand rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claims 1-2, 5-20 and 191 stand rejected under 35 USC 112, second paragraph, as being incomplete for omitting essential steps. Claims 1-2, 5-20 and 191 have been cancelled without prejudice.

Claims 1-2, 5-20, 187 and 191 stand rejected under 35 U.S.C. 102(e) as being anticipated by Bandini et al (U.S. Published Patent Application No. 2002/0199095). Claims 1-2, 5-20, 187 and 191 have been cancelled without prejudice.

Claim 193 stands rejected under 35 U.S.C. 102(e) as being anticipated by Starbuck et al (U.S. Published Patent Application No. 2004/0260776). Claim 194 stands rejected under 35 U.S.C. 102(b) as being anticipated by Drummond et al (U.S. Patent No. 6,691,156). Claims 193 and 194 have been cancelled without prejudice.

Claims 188 and 192 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bandini in view of Tarbotton (U.S. Patent No. 6,757,830). Claim 189 stands rejected under 35

U.S.C. 103(a) as being unpatentable over Bandini in view of Starbuck. Claim 190 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Bandini in view of Drummond.

Bandini et al describes an e-mail relay, providing message filtering services to an e-mail network by comparing attributes of incoming messages to data derived from SPAM messages, which is stored in a SPAM database. Starbuck describes a system and method that facilitates detecting spam including components that enhance finding characteristics that are difficult for the spammer to avoid and finding characteristics in non-spam that are difficult for spammers to duplicate.

Drummond describes a method for reducing unsolicited e-mail in an enterprise computing environment. Tarbotton describes a method wherein received e-mail messages are subject to a minimum delay period determined in dependence upon characteristics of the e-mail message received. Prior to release of the e-mail message upon expiry of the minimum delay period a check is made that the most up-to-date anti-virus and anti-spamming tests have been applied to the e-mail message.

In the present response, Applicants have cancelled all of the claims except for claim 192. Claim 192 stands rejected as unpatentable over the combination of Bandini and Tarbotton. In the office action, the Examiner wrote:

> Bandini does not teach "delaying said incoming messages in said third category for a period of time and thereafter re-classifying said messages based on classifications of incoming messages received during said period.
>
> Tarbotton discloses delaying received e-mail messages for a predetermined amount of time so that a decision can be made with the most up-to-date anti-virus and anti-spamming signatures.
>
> It would have been obvious to one having ordinary skill in the art at the time the invention was made to delay said incoming messages in said third category for a

period of time and thereafter re-classifying said messages based on classifications of incoming messages received during said period, since Tarbotton states at column 2, lines 24-30 that delaying the messages increases the likelihood that tests for unwanted properties are current at the expiry of the delay period and will include counter-measures that were distributed during the delay period, thereby identifying problem e-mails before reaching the user.

Applicants respectfully disagree with the Examiner that claim 192 is not patentable over the combination of Bandini and Tarbotton. Applicants agree with the Examiner that Bandini does not teach "delaying said incoming messages in said third category for a period of time and thereafter re-classifying said messages based on classifications of incoming messages received during said period." Applicants respectfully submit that Tarbotton describes receiving anti-virus and anti-spamming signatures from an outside source and does not show or suggest re-classifying based on classifications of incoming messages received during the delay period, as recited in claim 192.

Applicants respectfully submit that the combination of Bandini and Tarbotton does not show or suggest a method for combating spam including, inter alia, delaying incoming messages in a third category for a period of time and thereafter re-classifying the messages **based on classifications of incoming messages received during the period**, as recited in claim 192.

Applicants respectfully submit that none of the prior art, either alone or in combination, show or suggest a method for combating spam including, inter alia, delaying incoming messages in a third category for a period of time and thereafter re-classifying the messages **based on classifications of incoming messages received during the period**, as recited in claim 192, and that claim 192 is therefore patentable.

Applicants have carefully studied the remaining prior art of record herein and conclude that the invention as described and claimed in the present application is neither shown in nor suggested by the cited art.

Applicants reserve the right to pursue the claims as filed in the context of a continuation application.

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In view of the foregoing remarks, all of the claims are believed to be in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

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Respectfully submitted,

By _____
S. Peter Ludwig
  Registration No.: 25,351
DARBY & DARBY P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant